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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,368	09/19/2000	Lon S. Safko	1173.001	5060
7590	11/30/2004		EXAMINER	
John L Rogitz Esq Rogitz & Associates 750 B Street Suite 3120 San Diego, CA 92101			CHANG, JUNGWON	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/665,368	SAFKO, LON S.	
	Examiner Jungwon Chang	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 September 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 and 11-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claim 9 is amended and claims 10, 18 and 19 are canceled in appeal brief dated 4/16/2004. 1-9 and 11-17 are presented for examination.

2. In view of appeal brief filed on 10/27/2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

3. Claims 11-13, 15 and 16 are objected to because they are depended on canceled claim 10. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-9 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over KittyHawk Software, Inc. "Origami Flowers", 10/13/1999, hereinafter referred to as Kitty Hawk in view of Glassner (US 6,311,142).

6. As to claim 1, KittyHawk discloses a method for providing paper models (i.e.,

Origami Flowers; page 1, paragraph 1, figures), comprising:

allowing a user to access a computer site (i.e., KittyHawk computer site) (

"Origami Flowers", page 1, downloading on-line paper model to user; by clicking on "free version" hyperlink, user is directed to go to another web page, "Download");

providing, on the computer site, at least one model page ("Origami Flowers", page 1, here is a list of the twelve origami flowers, Camellia, Iris, Geranium, Tulip...; Figures; "Download", pages 1 and 2, Fun Flyers:Jet, Paper Air Force, The Greatest Paper Airplanes...);

permitting the user to print at least one data file from the model page ("Origami Flowers", page 1, paragraph 1, print the included designs or use your favorite wrapping paper), the data file being useful for causing a computer printer ("Origami Flowers", page 1, color printing of decorated flower design; page 2, color printer) a substrate having model indicia thereon ("Origami Flowers", page 1, Look what you can learn and do: Learn how to fold 12 beautiful origami flowers and 1 stem...Folding tips gives you...), wherein the model indicia is useful for configuring the substrate into a paper

model ("Origami Flowers", page 1, simple to follow animated 3D folding instructions make it easy to create origami flowers).

7. KittyHawk discloses downloading on-line paper model from the computer site (KittyHawk computer site; "Origami Flowers", page 1, downloading on-line paper model to user; by clicking on "free version" hyperlink, user is directed to go to another web page, "Download"). However, KittyHawk does not specifically use terms "a wide area computer network". Glassner discloses a wide area computer network (i.e., WAN, 852, fig. 20) (col. 12, lines 19-34; col. 11, lines 22-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of KittyHawk and Glassner because Glassner's WAN would improve the performance of KittyHawk's system by allowing the computer site to simultaneously distribute the paper model to a plurality of users via the network.

8. As to claim 2, KittyHawk discloses data file is further useful for causing the computer printer to print assembly instructions for the paper model ("Origami Flowers", page 1, Look what you can learn and do).

9. As to claims 3-5, KittyHawk discloses generating accounting data when the user accesses the model page ("Origami Flowers", page 2, clicking on the hyperlink "click here for easy ordering options...", user is directed to go web page "Three easy ways to order", pages 1-3).

10. As to claim 6, KittyHawk discloses providing at least one hyperlink to the model page, whereby the user accesses the model page by clicking on the hyperlink ("Origami Flowers", page 1, "free version" hyperlink, page 2, Even more paper models, "click here for easy ordering options" hyperlink).

11. As to claim 7, KittyHawk discloses presenting at least a portion of an object on the model page (figures; "Origami Flowers", page 1, i.e., flowers, stem).

12. As to claim 9, it is rejected for the same reasons set forth in claim 1 above. In addition, KittyHawk discloses at least one user computer ("Origami Flowers", page 2, Windows version, Macintosh version).

13. As to claim 11, it is rejected for the same reasons set forth in claim 2 above.

14. As to claims 12 and 14, it is rejected for the same reasons set forth in claims 3 and 5 above.

15. As to claim 13, it is rejected for the same reasons set forth in claim 4 above.

16. As to claim 15, it is rejected for the same reasons set forth in claim 6 above.

17. As to claim 16, it is rejected for the same reasons set forth in claim 7 above.

18. As to claim 17, it is rejected for the same reasons set forth in claim 8 above.

***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Alex Barber, "Origami: Diagrams", 08/31/2000, KittyHawk, Software, Inc., 10/13/1999, Olson et al, patent 6,248,426, Vass, Pub. NO. 2003/0068399 disclose method for providing a construction paper from which to construct, according to principles of origami, a three-dimensional figure having visible surfaces.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

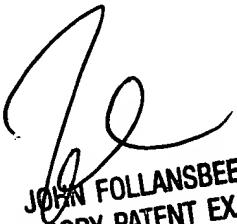
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWC

November 16, 2004



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